

appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 125, between lines 7 and 8, insert the following:

SEC. 418. EXTENSION OF CERTAIN PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION AGREEMENTS.

(a) **EXTENSION.**—The Secretary of Housing and Urban Development shall extend the term of the Moving to Work Demonstration Agreement entered into between a public housing agency and the Secretary under section 204, title V, of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Pub. L. 104-134, April 26, 1996) if—

(1) the public housing agency requests such extension in writing;

(2) the public housing agency is not at the time of such request for extension in default under its Moving to Work Demonstration Agreement; and

(3) the Moving to Work Demonstration Agreement to be extended would otherwise expire on or before December 31, 2004.

(b) **TERMS.**—Unless the Secretary of Housing and Urban Development and the public housing agency otherwise agree, the extension under subsection (a) shall be upon the identical terms and conditions set forth in the extending agency's existing Moving to Work Demonstration Agreement, except that for each public housing agency that has been or will be granted an extension to its original Moving to Work agreement, the Secretary shall require that data be collected so that the effect of Moving to Work policy changes on residents can be measured.

(c) **EXTENSION PERIOD.**—The extension under subsection (a) shall be for such period as is requested by the public housing agency, not to exceed 3 years from the date of expiration of the extending agency's existing Moving to Work Demonstration Agreement.

(d) **BREACH OF AGREEMENT.**—Nothing contained in this section shall limit the authority of the Secretary of Housing and Urban Development to terminate any Moving to Work Demonstration Agreement of a public housing agency if the public housing agency is in breach of the provisions of such agreement.

SEC. 419. STUDY OF MOVING TO WORK PROGRAM.

(a) **IN GENERAL.**—The General Accounting Office shall conduct a study of the Moving to Work demonstration program to evaluate—

(1) whether the statutory goals of the Moving to Work demonstration program are being met;

(2) the effects policy changes related to the Moving to Work demonstration program have had on residents; and

(3) whether public housing agencies participating in the Moving to Work program are meeting the requirements of the Moving to Work demonstration program under law and any agreements with the Department of Housing and Urban Development.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the General Accounting Office shall submit to Congress a report on the study conducted under subsection (a).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to

conduct a markup on Monday, November 17, 2003, at 5:40 p.m. in the President's Room 216, The Capitol. Note: This markup was rescheduled from Thursday, November 13, 2003.

Agenda:

I. Nominations: Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit; James B. Comey to be Deputy Attorney General; Michael J. Garcia to be Assistant Secretary of U.S. Immigration and Customs Enforcement; Claude A. Allen to be U.S. Circuit Judge for the Fourth Circuit; and Federico L. Rocha to be U.S. Marshal for the Northern District of California.

II. Bills: H.R. 1437—To improve the United States Code [Sensenbrenner, Conyers]; S. Res. 253—To recognize the evolution and importance of motor-sports [Campbell, Kyl].

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, first I ask unanimous consent that Theresa Frueh of my office be given privileges of the floor tonight and tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 108-11

Mr. KYL. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on November 17, 2003, by the President of the United States:

Cybercrime Convention (Treaty Document 108-11).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Council of Europe Convention on Cybercrime (the "Cybercrime Convention" or the "Convention"), which was signed by the United States on November 23, 2001. In addition, for the information of the Senate, I transmit the report of the Department of State with respect to the Convention and the Convention's official Explanatory Report.

The United States, in its capacity as an observer at the Council of Europe, participated actively in the elaboration of the Convention, which is the only multilateral treaty to address the problems of computer-related crime

and electronic evidence gathering. An overview of the Convention's provisions is provided in the report of the Department of State. The report also sets forth proposed reservations and declarations that would be deposited by the United States with its instrument of ratification. With these reservations and declarations, the Convention would not require implementing legislation for the United States.

The Convention promises to be an effective tool in the global effort to combat computer-related crime. It requires Parties to criminalize, if they have not already done so, certain conduct that is committed through, against, or related to computer systems. Such substantive crimes include offenses against the "confidentiality, integrity and availability" of computer data and systems, as well as using computer systems to engage in conduct that would be criminal if committed outside the cyber-realm, i.e., forgery, fraud, child pornography, and certain copyright-related offenses. The Convention also requires Parties to have the ability to investigate computer-related crime effectively and to obtain electronic evidence in all types of criminal investigations and proceedings.

By providing for broad international cooperation in the form of extradition and mutual legal assistance, the Cybercrime Convention would remove or minimize legal obstacles to international cooperation that delay or endanger U.S. investigations and prosecutions of computer-related crime. As such, it would help deny "safe havens" to criminals, including terrorists, who can cause damage to U.S. interests from abroad using computer systems. At the same time, the Convention contains safeguards that protect civil liberties and other legitimate interests.

I recommend that the Senate give early and favorable consideration to the Cybercrime Convention, and that it give its advice and consent to ratification, subject to the reservations, declarations, and understanding described in the accompanying report of the Department of State.

GEORGE W. BUSH.
THE WHITE HOUSE, November 17, 2003.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Majority Leader, pursuant to Public Law 96-114, as amended, announces the appointment of John M. Falk, of Washington, DC, to be Chairman of the Congressional Award Board.

PRIVATE SECURITY OFFICER EMPLOYMENT AUTHORIZATION ACT OF 2003

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 322, S. 1743.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1743) to permit reviews of criminal records of applicants for private security officer employment.

There being no objection, the Senate proceeded to consider the bill.

Mr. KYL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate; that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1743) was read the third time and passed, as follows:

S. 1743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Security Officer Employment Authorization Act of 2003".

SEC. 2. FINDINGS.

Congress finds that—

(1) employment of private security officers in the United States is growing rapidly;

(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

SEC. 3. DEFINITIONS.

In this Act:

(1) **EMPLOYEE.**—The term "employee" includes both a current employee and an applicant for employment as a private security officer.

(2) **AUTHORIZED EMPLOYER.**—The term "authorized employer" means any person that—

(A) employs private security officers; and

(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

(3) **PRIVATE SECURITY OFFICER.**—The term "private security officer"—

(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full- or part-time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this Act if the Attorney General determines by regulation that such exclusion would serve the public interest); but

(B) does not include—

(i) employees whose duties are primarily internal audit or credit functions;

(ii) employees of electronic security system companies acting as technicians or monitors; or

(iii) employees whose duties primarily involve the secure movement of prisoners.

(4) **SECURITY SERVICES.**—The term "security services" means acts to protect people or property as defined by regulations promulgated by the Attorney General.

(5) **STATE IDENTIFICATION BUREAU.**—The term "State identification bureau" means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

SEC. 4. CRIMINAL HISTORY RECORD INFORMATION SEARCH.

(a) **IN GENERAL.**—

(1) **SUBMISSION OF FINGERPRINTS.**—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act.

(2) **EMPLOYEE RIGHTS.**—

(A) **PERMISSION.**—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of a participating State the request to search the criminal history record information of the employee under this Act.

(B) **ACCESS.**—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act.

(3) **PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.**—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act, submitted through the State identification bureau of a participating State, the Attorney General shall—

(A) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

(B) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

(4) **USE OF INFORMATION.**—

(A) **IN GENERAL.**—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in subparagraph (B).

(B) **TERMS.**—In the case of—

(i) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized employer as to the fact of whether an employee has been—

(I) convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

(II) charged with a criminal felony for which there has been no resolution during the preceding 365 days; or

(ii) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act in applying the State standards and shall only notify the employer of the results of the application of the State standards.

(5) **FREQUENCY OF REQUESTS.**—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

(b) **REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act, including—

(1) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and recordkeeping;

(2) standards for qualification as an authorized employer; and

(3) the imposition of reasonable fees necessary for conducting the background checks.

(c) **CRIMINAL PENALTIES FOR USE OF INFORMATION.**—Whoever knowingly and intentionally uses any information obtained pursuant to this Act other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

(d) **USER FEES.**—

(1) **IN GENERAL.**—The Director of the Federal Bureau of Investigation may—

(A) collect fees to process background checks provided for by this Act; and

(B) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

(2) **LIMITATIONS.**—Any fee collected under this subsection—

(A) shall, consistent with Public Law 101-515 and Public Law 104-99, be credited to the appropriation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in paragraph (1);

(B) shall be available for expenditure only to pay the costs of such activities and services; and

(C) shall remain available until expended.

(3) **STATE COSTS.**—Nothing in this Act shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act.

(e) **STATE OPT OUT.**—A State may decline to participate in the background check system authorized by this Act by enacting a law or issuing an order by the Governor (if consistent with State law) providing that the State is declining to participate pursuant to this subsection.

MEASURE READ THE FIRST TIME—S. 1875

Mr. KYL. Mr. President, I understand that S. 1875, which was introduced earlier today, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1875) to amend the Employee Retirement Income Security Act of 1974, the